

1 **Richard M. Williams, State Bar No. 68032**
 2 **Lyn D. Tadlock, State Bar No. 161277**
 3 **GRAY • DUFFY, LLP**
 4 **702 Marshall St., Suite 600**
 5 **Redwood City, California 94063**
 6 **Phone (650) 365-7343**
 7 **Facsimile: (650) 365-6225**
 8 **E-Mail: rwilliams@grayduffylaw.com**
 9 **E-Mail: ltadlock@grayduffylaw.com**

10 Attorneys for Defendants Jack Henry &
 11 Associates, Inc., a Delaware Corporation dba
 12 Profitstars and First National Bank of Central
 13 Texas, a Texas Corporation

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **OAKLAND DIVISION**

17 AMBER KRISTI MARSH and STACIE
 18 EVANS, individually and on behalf of a class of
 19 similarly situated persons,

20 Plaintiff(s),

21 vs.

22 ZAAZOOM SOLUTIONS, LLC, a Delaware
 23 Limited Liability Company, ZAZA PAY LLC, a
 24 Delaware Limited Liability Company dba
 25 DISCOUNT WEB MEMBER SITES, LLC,
 26 Unlimited Local Savings LLC, WEB
 27 DISCOUNT CLUB, WEB CREDIT REPT. CO.,
 28 MEGA ONLINE CLUB, LLC, and
 RAISE MONEY FOR ANYTHING;
 MULTIECOM, LLC, a Colorado Limited
 Liability Company dba ONLINE DISCOUNT
 MEMBERSHIP, WEB DISCOUNT
 COMPANY, and LIBERTY DISCOUNT CLUB;
 ONLINE RESOURCE CENTER, LLC, a
 Delaware Limited Liability Company dba Web
 Coupon Site, USAVE COUPON, and UCLIP,
 MOE TASSOUDJI, an individual, BILL
 CUEVAS, an individual, FIRST BANK OF
 DELAWARE, a Delaware Corporation; FIRST
 NATIONAL BANK OF CENTRAL TEXAS, a
 Texas Corporation; SUNFIRST BANK, a Utah
 Corporation; JACK HENRY & ASSOCIATES,
 INC., a Delaware Corporation dba

Case No. 4:11-cv-05226 YGR

**DEFENDANTS' MOTION FOR
 ADMINISTRATIVE RELIEF TO FILE
 A JOINDER IN DEFENDANTS'
 MOTION TO DISMISS CERTAIN
 CLAIMS FOR RELIEF ASSERTED IN
 THE PLAINTIFFS' SECOND
 AMENDED COMPLAINT, TO
 DISMISS PLAINTIFFS' SECOND
 AMENDED COMPLAINT, OR IN THE
 ALTERNATIVE, FOR A MORE
 DEFINITE STATEMENT, AND TO
 STRIKE PORTIONS OF PLAINTIFFS'
 SECOND AMENDED COMPLAINT**

[Local Rule 7-11]

DATE: February 28, 2012

TIME: 2:00 p.m.

CTRM: TBD

JUDGE: Hon. Yvonne Gonzalez Rogers

1 PROFITSTARS; AUTOMATED ELECTRONIC
 2 CHECKING, INC., a Nevada Corporation;
 3 DATA PROCESSING SYSTEMS, LLC, a
 Delaware Limited Liability Company and DOES
 1-10, inclusive,

4 Defendant(s).

5
 6 Pursuant to Civil Local Rule 7-11, Defendants JACK HENRY & ASSOCIATES, INC., A
 7 DELAWARE CORPORATION DBA PROFITSTARS and FIRST NATIONAL BANK OF
 8 CENTRAL TEXAS, a Texas Corporation respectfully move this Court as follows:

9 Defendant JACK HENRY & ASSOCIATES, INC., A DELAWARE CORPORATION
 10 DBA PROFITSTARS, as authorized by the Court in it's Civil Minutes dated February 8, 2012,
 11 hereby requests that it be allowed to join in the Motion previously filed by Defendants ZAAZOOM
 12 SOLUTIONS, LLC; ZAZA PAY, LLC; MULTIECOM, LLC; ONLINE RESOURCE CENTER,
 13 LLC AND AUTOMATED ELECTRONIC CHECKING, INC., for an order:

14 (1) Dismissing the First, Second, Fourth and Fifth Claims for Relief asserted in the
 15 Plaintiff's Second Amended Complaint pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules
 16 of Civil Procedure.

17 The aforementioned Motion of Defendants ZAAZOOM SOLUTIONS, et al is filed as
 18 Document No. 12; Plaintiffs' Opposition is filed as Document No. 31; Defendants ZAAZOOM
 19 SOLUTIONS, LLC; et al's Amended Statement of Recent Decision in Support of the Motion to
 20 Dismiss is filed as Document No. 78.

21 Defendant FIRST NATIONAL BANK OF CENTRAL TEXAS respectfully moves this
 22 Court for Administrative relief under Local Rule 7-11 to file Joinder in the Motion previously filed
 23 by Defendants FIRST BANK OF DELAWARE for an order as follows:

24 (1) Dismissing Plaintiffs' Second Amended Complaint and each claim for relief
 25 asserted therein under Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, or in the
 26 alternative, for a more definite statement pursuant to Rule 12(e) of the Federal Rules of Civil
 27 Procedure; or in the alternative,
 28

(2) Striking Portions of Plaintiffs' Second Amended Complaint, under Federal Rule of Civil Procedure 12(f).

The aforementioned Motion of Defendants First Bank of Delaware is filed as Document No. 53; Plaintiffs' Opposition is filed as Document No. 60; Defendant First Bank of Delaware's Reply is filed as Document No. 66.

At the Initial Case Management Conference held in this matter on February 8, 2012, before the Honorable Yvonne Gonzalez Rogers, the Court noted in its Civil Minutes of those proceedings:

"With regard to pending Motions scheduled for February 28, 2012, the Court instructed defendants to file an Administration Motion for Relief if any defendant wishes to file a Joinder regarding any motion."

Based upon the just quoted Civil Minutes of the Court and upon discussion held between counsel and Judge Yvonne Gonzalez Rogers at the Case Management Conference, these moving parties believe that it is in the best interest of the administration of justice and the expeditious use of court time and resources for these requesting defendants to join in the aforementioned pending motions.

CONCLUSION

For the foregoing reasons, these defendants respectfully request that this court grant administrative relief pursuant to Local Rule 7-11 allowing them to join, as specified, in the currently pending Motions to Dismiss, for a more Definite Statement or to Strike Portions of Plaintiff's Second Amended Complaint.

DATED: February 13, 2012

GRAY • DUFFY, LLP

By: /s/Richard M. Williams

RICHARD M. WILLIAMS
LYN D. TADLOCK
Attorneys for Defendant Jack Henry &
Associates, Inc., a Delaware Corporation dba
Profitstars and First National Bank of Central
Texas, a Texas corporation

DECLARATION OF RICHARD M. WILLIAMS

I, RICHARD M. WILLIAMS, declare as follows:

I am an attorney licensed to practice in the State of California and before this Court. I have personal knowledge of each of the following facts. If called upon to do so, I could and would provide competent testimony regarding such facts.

1. My Associate, Lyn D. Tadlock, attended the Case Management Conference held this matter on February 8, 2012. As a result of her attendance at that hearing, she informed me that the court indicated to all counsel that any party who wished to join in the pending motions could do so by filing an Administrative Motion for Relief requesting such joinder.

2. As a result of the Case Management Conference, the honorable court issued Civil Minutes which instructed any defendant who wished to join in the pending motions to file an Administrative Motion for Relief no later than February 13, 2012. This motion is made on behalf of my clients as a result of the Court's instruction.

Based upon the above, I believe good cause exists for allowing the requested joinders of defendants JACK HENRY & ASSOCIATES, INC., a Delaware Corporation dba PROFITSTARS and FIRST NATIONAL BANK OF CENTRAL TEXAS, a Texas Corporation in the pending motions, as particularly specified in this Motion for Administrative Relief.

I declare under penalty of perjury under the laws of the State of California and the United States of America, that the foregoing is true and correct, is of my own personal knowledge, and indicate such below by my signature executed this 13th day of February, 2012, in the County of San Mateo, State of California.

/s/ Richard R. Williams
Attorneys for Defendant Jack Henry &
Associates, Inc., a Delaware Corporation dba
Profitstars and First National Bank of
Central Texas, a Texas corporation